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PROB 12C(D)
(11/96)

November 25, 2014
pages id: 1, 2, 3, 4

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF CALIFORNIA

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: David Nicolas-Reyes (Spanish)

Dkt No.: 12CR02252-002-LAB

Reg. No.: 31942-298

(M-15-1086-M)

Name of Sentencing Judicial Officer: The Honorable Larry A. Burns, U.S. District Judge

Original Offense: 8 U.S.C. § 1326, a Class C felony

Date of Sentence: September 17, 2012

Sentence: 30 months' custody; 3 years' supervised release. (*Special Conditions* Not reenter the United States illegally)

Type of Supervision: Supervised Release

Date Supervision Commenced: June 18, 2014

Asst. U.S. Atty.: Carla J. Bressler

Defense Counsel: Jennifer L. Coon
(Appointed)
(619) 544-9200

Prior Violation History: None.

PETITIONING THE COURT

TO ISSUE A NO-BAIL BENCH WARRANT

The probation officer believes that the offender has violated the following condition(s) of supervision:

CONDITION(S)

(Mandatory Condition)

Not commit another federal, state, or local crime. (mv/)

ALLEGATION(S) OF NONCOMPLIANCE

1. On October 26, 2014, Mr. Nicolas-Reyes, a previously deported or removed alien, was found in the United States illegally, the conduct of which is in violation of 8 U.S.C. § 1326, as evidenced by the complaint filed in the U.S. District Court, Southern District of Texas (MaAllen Division), Dkt. No. M14-2085-M

2014 DEC 1
U.S. MARSHAL
SOUTHERN DISTRICT
OF CALIFORNIA
RECEIVED
FN

PROB 12C(D)
(11/96)

Defendant: David Nicolas-Reyes
Docket No.: 12CR02252-002-LAB

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Grounds for Revocation: As to allegation 1, I received and reviewed the complaint, filed in the U.S. District Court, Southern District of Texas, Dkt. No.: 14M2085-M, which confirms the following: On the above date, a U.S. Border Patrol Agent encountered Mr. Reyes-Nicolas near Encino, Texas. Upon questioning, the offender claims to have illegally crossed into the U.S. on October 21, 2014, near Hidalgo, Texas. Records revealed that the offender was deported from the United States on June 18, 2014.

As indicated in the probable cause statement in support of the complaint, the offender had not applied for nor had received permission from the Attorney General of the United States or the Secretary of the Department of Homeland Security, to lawfully enter the United States subsequent to removal.

U.S. Probation Officer Recommendation: A warrant be issued for the offender to appear and if found in violation, that supervised release be revoked and the offender be sentenced to 18 months' custody with no supervised release to follow, consecutive to any sentence he may be serving, pursuant to USSG §7B1.3(f), p.s. 3. (An Expanded Violation Worksheet, 12CW(d), has been attached for the Court's review.)

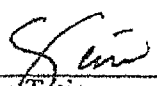
I declare under penalty of perjury that the foregoing is true and correct.

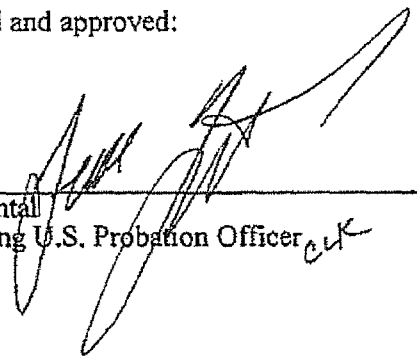
Executed on: November 25, 2014

Respectfully submitted:
DAVID J. SULTZBAUGH
CHIEF PROBATION OFFICER

Reviewed and approved:

by


Ann Treis
Senior United States Probation Officer
619-446-3828


Sean Quintal
Supervising U.S. Probation Officer *ck*

PROB 12CW(d)
03/06

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EXPANDED VIOLATION WORKSHEET

1. Defendant: Nicolas-Reyes, David
2. Docket No. (Year-Sequence-Defendant No.): 12CR02252-002-LAB
3. List Each Violation and Determine the Applicable Grade (See USSG § 7B1.1):

<u>Violation(s)</u>	<u>Grade</u>
<u>Deported Alien Found in the U.S.</u>	<u>B</u>

4. Most Serious Grade of Violation (See USSG § 7B1.1(b)) B
5. Criminal History Category (See USSG § 7B1.4(a)) IV

6. Statutory Maximum Term (Custody) (See 18 U.S.C. § 3583(e)(3))

Upon finding of a violation, the court may modify the conditions of supervision; extend the term if less than the maximum authorized term was previously imposed); or revoke the term of supervised release. If the court revokes supervised release, the maximum term of imprisonment upon revocation is:

24 months

7. Range of Imprisonment (Custody) (See USSG § 7B1.4(a))

A Grade B violation with a Criminal History Category IV establishes an imprisonment range of:

12-18 months

8. Statutory Maximum Term (Supervised Release) (See 18 U.S.C. § 3583(b))

If supervised release is revoked and a term of imprisonment is imposed that is less than the maximum term of imprisonment imposable upon revocation, the court can reimpose supervised release upon release from custody. The length of such a term shall not exceed the term of supervised release authorized by statute for the offense that resulted in the original term of supervised release, less any term of imprisonment upon revocation. In this case, the court has the authority to reimpose a term of:

3 years

9. Recommendation: [18 months' custody, consecutive to any other sentence being served. See USSG § 7B1.3(f)- w/ no supervised release to follow]

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Defendant: David Nicolas-Reyes
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THE COURT ORDERS:

✓ A NO-BAIL BENCH WARRANT BE ISSUED BASED UPON A FINDING OF PROBABLE CAUSE TO BRING THE OFFENDER BEFORE THE COURT TO SHOW CAUSE WHY SUPERVISED RELEASE SHOULD NOT BE REVOKED FOR THE ALLEGED VIOLATIONS.

(Currently detained in Federal custody in Mc Allen, Texas under Registration No. 31942-298)

Other _____

Larry A. Burns
The Honorable Larry A. Burns
U.S. District Judge

12-1-14
Date

I hereby attest and certify on 12/4/14
That the foregoing document is a full, true and correct
copy of the original on file in my office and in my legal
custody.

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

By A. Carr Deputy